

LAW OFFICES

Henry P. Bell, P.A.

HENRY P. BELL, ESQ.

6301 SUNSET DRIVE, SUITE 203
SOUTH MIAMI, FL 33143

TEL: (305) 665-8625
FAX: (305) 665-8624
HBELL@BELLPALAW.COM
WWW.HENRYBELLPAW.COM

June 5, 2015

Via CMECF & 212-805-0224

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007
(212)805-0224
Fax: (212)805-7986

Re: United States v. Tomas Alberto Clarke, Case No. 13-Crim-670-PGC

Dear Judge Gardephe:

This application is filed on behalf of the defendant, Tomas Alberto Clarke. The undersigned has consulted counsel for the United States, AUSA, Jason Cowley, providing him a draft of this application before filing it. The government has no objection and consents to the relief being requested in this letter to the Court.

I represent Mr. Clarke. I am writing in regards to certain property controlled by Mr. Clarke that is restrained by a claim of lien filed by the Government.¹ The claim of lien secures Mr. Clarke's bail. For the reasons set forth below, the defendant respectfully requests the Court to allow Mr. Clarke to secure a mortgage loan on the property for the purpose of maintaining it. Presently, there are no outstanding mortgages on the property.

By way of background, Mr. Clarke is the sole shareholder or member of a company named Alis Holdings, LLC. The property is currently used as security for the defendant's bail. Due to financial difficulties, Mr. Clarke could not keep these payments current, and maintenance fees and taxes have accrued against the property. The Condominium association filed suit to recover past due fees, and should it obtain a judgment it may force a foreclosure sale of the property.

On May 15, 2015, Mr. Clarke entered into a stipulation to pay these past due fees, and endeavored to secure an equity line of credit to cover what is owed. The agreement requires Mr. Clarke to pay \$17,296.46. Mr. Clarke made the first payment of \$5,668.70, but cannot pay the balance without a loan. He also owes

¹ The physical address of the real property is 485 Brickell Avenue, Apt. 1606, Miami, FL 33131.

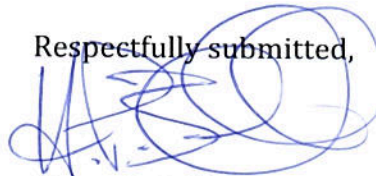
property taxes in the amount of \$12,223.49. These taxes are for the calendar years 2013 and 2014.

Mr. Clarke engaged Terra Mortgage Bank in order to secure a mortgage loan against the property. The bank preliminarily agreed to lend Mr. Clarke \$60,000.00. He is currently employed, and plans to use his wages and any rental proceeds to pay back the loan.

The loan would be used for the sole purpose of maintaining the property by keeping all fees and taxes current. The balance of the loan would not be further expended unless the government first agrees and consents.

For the foregoing reasons, we respectfully request that the Court allow Mr. Clarke to secure the aforementioned loan for the sole purpose of maintaining the property accordingly. The purpose of this request is to secure the interests of both the Government (the property may eventually be used to satisfy forfeiture claims made by the government and the defendant is a party to the related SEC case where it too will want some sort of fine) and the defendant. Finally, as stated above, this application is made with the consent of the Government.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "H. P. Bell", is written over the text "Respectfully submitted,".

Henry P. Bell

Copy: AUSA , Jason Cowley
AUSA, Harry Chernoff
John Priovolos, Esq.
Nora Cruz, Pre Trial Services